

INTERIOR DESIGN EXAMINING BOARD[193G]

Adopted and Filed

Rule making related to waivers and licensure

The Interior Design Examining Board hereby amends Chapter 1, “Description of Organization,” Chapter 2, “Registration,” and Chapter 3, “Continuing Education,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 544C.3.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 544C.

Purpose and Summary

These amendments implement changes recommended and required by 2020 Iowa Acts, House File 2627, and the five-year rolling administrative rules review outlined in Iowa Code section 17A.7(2).

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on December 30, 2020, as **ARC 5360C**. A virtual public hearing was held on January 19, 2021, at 12 noon. There was one public comment received, supporting the proposed retired status.

A comment was also received from the Administrative Rules Review Committee that was not in support of the proposed retired status. Based on that comment, Items 1, 4, and 6, related to retired status, were not adopted. The remaining items were renumbered accordingly.

Adoption of Rule Making

This rule making was adopted by the Board on February 15, 2021.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 193—Chapter 5.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on May 26, 2021.

The following rule-making actions are adopted:

ITEM 1. Amend rule 193G—1.3(544C,17A), introductory paragraph, as follows:

193G—1.3(544C,17A) Organization and duties. The board shall consist of seven members: five members who are interior designers registered under Iowa Code chapter 544C and two members who are not interior designers and who represent the general public. The board shall elect annually from its members a chairperson and a vice-chairperson. A quorum of the board shall be four members, and all final motions and actions must receive a quorum majority vote. The board shall enforce the provisions of Iowa Code chapter 544C and shall maintain a roster of all registered interior designers in the state.

ITEM 2. Amend rule 193G—1.8(544C,17A) as follows:

193G—1.8(544C,17A) Waivers and variances.

1.8(1) Persons who wish to seek waivers ~~or variances~~ from board rules should consult the uniform rules for the bureau at 193—Chapter 5.

1.8(2) In addition to the provisions of 193—Chapter 5, the following shall apply for interim rulings:

a. The board chairperson, or the vice-chairperson if the chairperson is not available, may rule on a petition for waiver ~~or variance~~ when it would not be timely to wait for the next regularly scheduled board meeting for a ruling from the board.

b. to d. No change.

e. Subrule 1.8(2) on interim rulings does not apply if the waiver ~~or variance~~ was filed in a contested case.

ITEM 3. Amend rule 193G—2.2(17A,272C,544C) as follows:

193G—2.2(17A,272C,544C) Renewal of certificates of registration. Certificates of registration expire biennially on June 30. Certificates issued to registrants with last names beginning with A through K shall expire on June 30 of even-numbered years and certificates issued to registrants with last names beginning with L through Z shall expire on June 30 of odd-numbered years. However, a registration issued on or after May 1 but before June 30 will not expire until June 30 of the next renewal. For example, a license issued on May 17, 2020, would not expire until June 30, 2022. In order to maintain authorization to practice in Iowa, a registrant is required to renew the certificate of registration prior to ~~the expiration date~~ June 1 of the year of expiration. However, the board will accept an otherwise sufficient renewal application which is untimely if the board receives the application and late fee of \$25 within 30 days ~~of prior to~~ the date of expiration. A registrant who fails to renew by the expiration date is not authorized to use the title of registered interior designer in Iowa until the certificate is reinstated as provided in rule 193G—2.3(544C,17A).

2.2(1) It is the policy of the board to send to each registrant at the registrant's last-known address a notice of the pending expiration date ~~approximately one month prior to the date the certificate of registration is scheduled to expire~~. Failure to receive this notice does not relieve the registrant of the responsibility to timely renew the certificate and pay the renewal fee.

2.2(2) No change.

2.2(3) When a registrant appears to be in violation of mandatory continuing education requirements, the board may, in lieu of proceeding to a contested case hearing on the denial of a renewal application as provided in rule 193—7.40(546,272C), and after or in lieu of giving the licensee an opportunity to come into compliance under rule 193G—3.4(17A,544C), offer a registrant the opportunity to sign a consent order. While the terms of the consent order will be tailored to the specific circumstances at issue, the consent order will typically impose a penalty between \$50 and \$250, depending on the severity of the violation; establish deadlines for compliance; and require that the registrant complete hours equal to double the deficiency in addition to the required hours; and may impose additional

educational requirements on the registrant. Any additional hours of continuing education completed in compliance with the consent order cannot again be claimed at the next renewal. The board will address subsequent offenses on a case-by-case basis. A registrant is free to accept or reject the offer. If the offer of settlement is accepted, the registrant will be issued a renewed certificate of registration and will be subject to disciplinary action if the terms of the consent order are not fulfilled. If the offer of settlement is rejected, the matter will be set for hearing, if timely requested by the registrant pursuant to 193—subrule 7.40(1).

2.2(4) and 2.2(5) No change.

ITEM 4. Amend rule 193G—2.4(544C) as follows:

193G—2.4(544C) Applications.

2.4(1) The interior designer is responsible for verifying the accuracy of the information submitted on applications regardless of how the application is submitted or by whom it is submitted. For instance, if the office manager of an interior designer’s firm submits an application for renewal on behalf of the interior designer and that information is incorrect, the interior designer will be held responsible for the information and may be subject to disciplinary action.

2.4(2) Persons applying for initial, renewal, or reciprocal registration shall submit an application on a form provided by the board and shall pay a registration fee of \$275. Certificates issued to registrants with last names beginning with A through K shall expire on June 30 of even-numbered years, and certificates issued to registrants with last names beginning with L through Z shall expire on June 30 of odd-numbered years. An applicant applying for initial, reciprocal, or reinstatement registration within 12 months from the applicant’s required renewal date shall pay half of the required fee. An applicant applying for initial, reciprocal, or reinstatement registration more than 12 months from the applicant’s required renewal date shall pay the full registration fee.

2.4(3) Fee schedule.

Type of fee	Amount
Initial registration fee	\$275
Reciprocal registration fee	\$275
Formal wall certificate	\$50
Renewal	\$275
Late renewal fee	\$25
Reinstatement of lapsed registration	\$100
<u>License predetermination fee</u>	<u>\$25</u>

All fees are nonrefundable.

ITEM 5. Amend subrule 3.2(3) as follows:

3.2(3) A registered interior designer who holds a registration in Iowa for less than 12 months from the date of initial registration shall not be required to report continuing education at the first registration renewal. A registered interior designer who holds a registration in Iowa for ~~more than~~ 12 months or more, but less than 24 months from the date of initial registration, shall be required to report 5 contact hours of HSW subjects in a structured activity, earned in the preceding 12 months, at the first registration renewal.

ITEM 6. Amend subrule 3.3(2) as follows:

3.3(2) The board will may verify, ~~on a random basis~~, information submitted by registrants. If an application for renewal is not approved, the applicant will be so notified and may be granted a period of time by the board in which to correct the deficiencies noted. Any discrepancy between the number of CEUs reported and the number of CEUs actually supported by documentation may result in a disciplinary review. If, after the disciplinary review, the board disallows any CEUs, or the registrant has failed to complete the required CEUs, the interior designer shall have 60 days from notification by the board to

either provide further evidence of having completed the CEUs disallowed or remedy the discrepancy by completing the required number of CEUs (provided that such CEUs shall not again be used for the next renewal). An extension of time may be granted on an individual basis and must be requested by the registrant within 30 days of notification by the board. If the registrant fails to comply with the requirements of this subrule, the registrant may be subject to disciplinary action. If the board finds, after proper notice and hearing, that the interior designer willfully disregarded these requirements or falsified documentation of required CEUs, the interior designer may be subject to disciplinary action.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/21/21.